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President: Ms. LAJOUS VARGAS (Mexico)

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[*] GC(42)/20.

The composition of delegations attending the session is given in document GC(42)/INF/13/Rev.3.

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Abbreviations used in this record

Agreed Framework	Agreed Framework between the United States of America and the Democratic People's Republic of Korea
DPRK	Democratic People's Republic of Korea
FFCD	full, final and complete declaration
KEDO	Korean Peninsula Energy Development Organization
UNSCOM	United Nations Special Commission

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS (resumed)

1. The PRESIDENT invited the representative of India to report on the progress of the consultations within the Middle East and South Asia Group.

2. Mr. TIWARI (India) said that he had been informed that, as a result of the consultations, Syria had agreed to withdraw from the elections leaving only Jordan to fill the so-called "floating seat". Consequently, no elections would be required.

3. The PRESIDENT said that she was pleased that agreement had been reached, and she therefore took it that the General Conference wished to elect Jordan, from the area of the Middle East and South Asia, to fill the so-called "floating seat".

4. Jordan was duly elected.

5. Mr. TWAL (Jordan) thanked the representative of India for the role he had played in the consultations, and Kuwait, Sri Lanka, the Islamic Republic of Iran and Syria for withdrawing their candidatures for the seat in a spirit of solidarity. He also expressed his gratitude to all those delegations which had supported Jordan's candidature for the membership of similar bodies in other organizations, and assured them that they could count on Jordan's support in return.

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS
(GC(42)/16, GC(42)/30)

6. The PRESIDENT noted that the current item had been included in the agenda pursuant to resolution GC(41)/RES/22. Since that resolution had been adopted, the Director General had reported periodically to the Board on the implementation of safeguards in the DPRK. He had also submitted document GC(42)/16 to the Conference summarizing the developments of the past year. In addition, a draft resolution had been submitted by a number of States which was contained in document GC(42)/30, to which two addenda with additional co-sponsors had been issued.

7. Mr. MORGAN (Canada), introducing the draft resolution, said the fact that it had attracted such a large number of sponsors was an indication of the wish of the Agency and its members to ensure that the non-proliferation regime in the DPRK was implemented. Since the adoption of resolution GC(41)/RES/22, there had been a number of disturbing developments in the DPRK and the text of that earlier resolution had been modified to express concern at those developments.

8. Mr. Ki-Moon BAN (Republic of Korea) said that, for the past three years, the General Conference had adopted resolutions expressing concern over the continuing non-compliance of the DPRK with its safeguards agreement. It had also urged the DPRK to

co-operate fully with the Agency and, in the meantime, to take all necessary steps to preserve information about the past history of its nuclear activities. Regrettably, as was clear from the Director General's report in document GC(42)/16, no progress had been made on most of the fundamental issues involved owing to lack of co-operation.

9. It was deplorable that, despite a series of consultations with the Agency, the DPRK continued to maintain its irresponsible and unco-operative attitude in violation of its safeguards agreement. Its persistent non-compliance was a serious challenge not only to the Agency's safeguards system as a whole but also to the basic framework of the NPT, and it could eventually undermine the Agency's authority as the foremost international defence against nuclear proliferation. It was essential that the international community take a strong stand on the matter.

10. The fact that 57 countries had sponsored the draft resolution clearly demonstrated the international community's desire to see the issue resolved as soon as possible. It also reflected the determination of the General Conference to see that the DPRK fulfilled its obligations under its safeguards agreement. He hoped the draft resolution could be adopted by consensus.

11. Mr. RITCH (United States of America) said that his country continued to support the Agency's efforts to implement safeguards in the DPRK and monitor the freeze on its nuclear facilities pursuant to the Agreed Framework.

12. For almost four years the Agreed Framework had shown itself to be an important mechanism for ensuring peace and stability on the Korean Peninsula. Under it, the DPRK's graphite-moderated reactors and related facilities had been frozen and Agency inspectors had maintained a continuous presence in the country to monitor the freeze.

13. A joint US/DPRK team had essentially completed the canning and safe storage of some 8000 spent nuclear fuel rods and, in that connection, he welcomed the DPRK's recent offer to proceed with the completion of the clean-up activities. The country had also co-operated with the Agency by allowing it to monitor ongoing maintenance activities in the radiochemical laboratory, and he urged it to continue that co-operation.

14. Preparatory work on the two light-water reactors to be built by KEDO was continuing. The United States remained fully committed to the Agreed Framework, would continue to fulfil its obligations under it, and expected the DPRK to do likewise.

15. He called on the DPRK to take all steps deemed necessary by the Agency to monitor the freeze and, at the appropriate time, verify its initial declarations. It should take no action which could be perceived as undermining its commitment to the Agreed Framework. Although it would be several years before key reactor components could be delivered, steps should be taken now to preserve essential information which was crucial to the verification of the initial declaration and to the successful implementation of the Agreed Framework.

16. Lastly, he commended the Agency for the part it had played in implementing the Agreed Framework under the continuing mandate of the United Nations Security Council.

17. Mr. YAMANAKA (Japan) thanked the representative of Canada for introducing the draft resolution and the Director General for his report. The DPRK's safeguards agreement remained in force and binding and he commended the Agency's efforts to implement safeguards measures and to monitor the freeze, as requested by the Security Council. However, it was regrettable that there had been no progress since the preceding session of the General Conference.

18. Urgent steps needed to be taken to preserve the information required to verify the correctness and completeness of the DPRK's initial declaration, and he emphasized the importance of continuing to monitor the freeze pursuant to the Agreed Framework. He also called upon the DPRK to co-operate fully with the Agency and to facilitate its efforts.

19. In conclusion, he appealed to all delegations to support the draft resolution.

20. Mr. BIGGS (Australia) said that Australia was co-sponsoring the resolution because it believed the situation in the DPRK was still one of the most serious challenges to the international safeguards system. Since the DPRK's safeguards agreement with the Agency remained in force, that country should resume co-operation with Agency safeguards inspectors without delay and, in the meantime, it should do nothing that would prevent eventual verification of its initial declaration. He joined earlier speakers in commending the Agency for the role it had played in implementing the Agreed Framework.

21. Mr. MORTON (New Zealand) said that the DPRK's non-compliance with its legal obligations was of the utmost concern to his country, and he noted with regret the comments in the Director General's report to the effect that a fundamental difference of opinion remained between the Agency and the DPRK regarding the current status of the latter's safeguards agreement. New Zealand fully shared the Agency's view that that agreement remained binding and in force, and that the DPRK was in breach of its obligations.

22. New Zealand supported the Agreed Framework and was a participant in KEDO, which it saw as a means of resolving nuclear issues on the Korean Peninsula and advancing non-proliferation. KEDO was an ambitious project, and he was concerned that recent provocative acts by the DPRK could diminish support for it. He therefore urged the DPRK to take a more responsible approach to issues of regional security by co-operating with the Agency and meeting its safeguards commitments.

23. Mr. ZHANG Yishan (China) requested that a vote be taken on the draft resolution.

24. The PRESIDENT invited the Conference to vote by a show of hands on the draft resolution contained in document GC(42)/30.

25. There were 49 votes in favour and none against, with 8 abstentions. The draft resolution was adopted.

26. Mr. OTHMAN (Syrian Arab Republic) said his delegation had abstained because it considered that the DPRK had taken positive steps towards solving its problems with the Agency by freezing its nuclear activities and agreeing to international monitoring and inspection. He believed that the door should be left open for negotiations so that positive results could eventually be achieved.

27. Mr. ZHANG Yishan (China) said his country had always held the view that denuclearization of the Korean Peninsula was essential if peace and stability in the region were to be achieved. However, for historical reasons, the problem was a complex one which China believed could only be solved by dialogue and negotiation between the parties concerned. It was for that reason that it had abstained from voting.

28. Mr. Ki-Moon BAN (Republic of Korea) thanked all the sponsors for the support they had given the resolution just adopted, but noted that only 49 delegations had voted in favour of the resolution. He asked whether it would be in accordance with the Rules of Procedure of the General Conference for delegations of countries which had not been present in the room during the vote to write to the Secretariat expressing their support for the draft resolution.

29. The PRESIDENT said that there would be no objection to that procedure.

IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS RELATING TO IRAQ
(GC(42)/14, GC(42)/29)

30. The PRESIDENT said that the current item had been included in the agenda pursuant to resolution GC(41)/RES/23 adopted by the General Conference in 1997, paragraph 8 of which requested the Director General to report to the current session on his efforts to implement Security Council resolutions 687, 707, 715 and 1051 relating to Iraq. That report was contained in document GC(42)/14 and it had been discussed by the Board immediately before the Conference. A draft resolution had also been submitted which was contained in document GC(42)/29.

31. Mr. KEMPEL (Austria), introducing the draft resolution, said that it recalled the developments which had taken place in Iraq since the preceding General Conference, commended the Director General and his Action Team for their efforts to fulfil their mandate under the relevant Security Council resolutions, condemned Iraq's decision of 5 September 1998 to suspend co-operation with the Agency which was an unacceptable contravention of its obligations under the relevant Security Council resolutions and the Memorandum of Understanding, and called on Iraq to rescind that decision, to co-operate fully with the Agency in accordance with its obligations, and to resume dialogue immediately.

32. The sponsors commended the draft resolution to the General Conference for adoption.

33. Ms. KENNEDY (United States of America) applauded the Agency's continued efforts to uncover Iraq's nuclear programme and improve ongoing monitoring and verification in Iraq.

34. Iraq had sought once again to challenge the will of the United Nations Security Council by ceasing co-operation with UNSCOM and the Agency. The Security Council had stated that Iraq's decision was unacceptable, and had taken note of the Director General's concern that Iraq's decision to cease co-operation significantly reduced the Agency's ability to ensure that Iraq was not conducting activities contrary to Security Council resolution 687.

35. In May 1998, the Security Council had promulgated an important precondition, namely that once the Agency was satisfied that Iraq had addressed the few remaining questions and concerns, including fulfilling the requirement to adopt legal measures to prohibit activity contrary to Security Council resolution 687, it would then be prepared to endorse a change to long-term monitoring. The United States had supported that statement which had laid out a clear path for Iraq to follow in order to demonstrate progress. Since May, however, Iraq had taken two steps backwards by failing to address the Agency's questions and by ceasing co-operation with UNSCOM and the Agency. Iraq had to understand that there would be no relief from sanctions until it complied with its obligations under the relevant Security Council resolutions.

36. The United States would continue to support the Agency's Action Team in Iraq, and work to help improve its ongoing monitoring and verification activities. That effort was critical to international peace and stability and he strongly encouraged other Member States to assist with it. A robust, long-term Agency verification regime was the key to ensuring that Iraq did not reconstitute its nuclear weapons programme.

37. Mr. AL-JANABI (Iraq) said that the Agency had carried out its mandate under Security Council resolution 687 and Iraq, for its part, had made great efforts to implement paragraphs 12 and 13 of that resolution by applying all provisions and complying with all the Agency's requests. In his reports to the Security Council in October 1997 and April 1998, the Director General had stated that the Agency's activities relating to Iraq's nuclear programme had reached their apogee. Moreover, the Agency had reported that there were no signs or symptoms in Iraq to suggest that any nuclear activity was being pursued, and had stated that Iraq had fulfilled all its commitments in respect of the nuclear programme registered with the Agency in the course of its monitoring activities.

38. In the light of those facts, it was distressing that the draft resolution which had been submitted should so misrepresent the situation. The preambular part made no mention of what had been achieved, while operative paragraph 2, in particular, would impede development and posed a threat to the implementation of Security Council resolutions and to the solution of the problems in the region. Continuous monitoring had been under way in Iraq for many months: there had been 26 visits in September alone, followed by 19 monitoring exercises. Iraq had never refused ongoing monitoring, as it had made clear to the Agency. Furthermore, the Agency's reports had never mentioned any violation by Iraq of Security Council resolutions.

39. A new initiative had recently been undertaken by the Secretary-General of the United Nations with a view to solving the problem and reviewing implementation of the Security Council resolutions in question. That initiative was currently being discussed in New York with Iraq's Deputy Prime Minister. The General Conference should give that new initiative a chance to yield positive results. He accordingly proposed that operative paragraph 2 of the draft resolution, which condemned Iraq, and operative paragraph 3, which was not clear, should be deleted; and he called on all countries to abstain from voting.

40. Mr. RYZHOV (Russian Federation) said that, although he found the main thrust of the draft resolution acceptable, it failed to take account of the many positive aspects of the Director General's well-balanced report to the Security Council or to the General Conference. His delegation had therefore proposed a number of amendments aimed at making the draft resolution more balanced and a more objective reflection of the real state of affairs in Iraq. Thus, bearing in mind that the operative paragraphs of the draft resolution were based on Security Council resolution 1194, it had proposed that a new paragraph should be included stating that Iraq had not achieved its objective of creating nuclear weapons, and that there was no evidence that it had maintained the potential for manufacturing its own nuclear or fissile material for military purposes in quantities of practical significance. Furthermore, it had proposed that operative paragraph 5 of the draft resolution should be deleted, since it had doubts regarding a continuing investigation of Iraq's nuclear programme.

41. Unfortunately, those proposals had not been taken into account and, consequently, the Russian Federation could not support the draft resolution.

42. Mr. AL-GHAIS (Kuwait) said that the delegation of Iraq had cited those parts of the Director General's report which it considered to be in its country's favour. However, any instances of co-operation by Iraq with the Agency should not be seen as a favour to the international community but as the simple fulfilment of its obligations, and there were still many outstanding issues which Iraq had failed to address. A number of questions relating to Iraq's "Full, Final and Complete Declaration" (FFCD) remained unresolved, for instance, as had been pointed out in the Agency's July 1998 status report (GOV/INF/1998/16) and in the Director General's report to the General Conference. Moreover, following upon the adoption of Security Council resolution 687 in 1991, Iraq had been expected to adopt national legislation prohibiting its citizens from engaging in the activities proscribed by that resolution within 30 days of its acceptance of it. Although Iraq had accepted the resolution in 1993, it had yet to enact any legislation, despite repeated promises that it would do so by October 1998. It had also failed to identify the foreign national allegedly involved in an offer of assistance to its clandestine nuclear programme, and had not provided documentary evidence to the Agency of the existence of the so-called "high government committee". Moreover, the Agency's progress report of October 1997 (GOV/INF/827) highlighted Iraq's minimalist response to Agency questioning and its strategy of concealment.

43. The climax of Iraq's actions was its decision on 5 August to suspend co-operation with the Agency, though the delegation of Iraq claimed that co-operation had not been suspended and had referred to continuing ongoing monitoring and verification activities (OMV). The

Agency had described Iraq's decision as a contravention of its obligations under the relevant Security Council resolutions and the Memorandum of Understanding of May 1998.

44. Finally, he noted that the draft resolution which had been submitted used language taken from Security Council resolution 1194 which condemned Iraq's decision. Thus, it was not exaggerated.

45. Mr. EL-FEKI (Egypt) said that, although his delegation intended to vote in favour of the draft resolution, some of the wording used in it left much to be desired and, in particular, it did not take account of Iraq's co-operation with United Nations missions. The international community should be working towards reconciliation with Iraq rather than promoting continued discord, and should be attempting to find a solution which would alleviate the suffering of its people.

46. Mr. BENMOUSSA (Morocco) appealed to the Conference to take a more balanced view of the situation regarding Iraq. The Director General's report did contain some very positive statements as well. For instance, paragraph 25 stated that there were no indications of significant discrepancies between the technically coherent picture which had evolved of Iraq's clandestine nuclear programme and the information contained in the consolidated version of the FFCD; paragraph 27 noted that the summary of technical achievements had been judged to be consistent with the technically coherent picture of the programme; and paragraph 27 said that there were no indications of Iraq having retained any physical capability for the indigenous production of weapon-usable nuclear material in amounts of any practical significance. On the other hand, as paragraph 28 pointed out, a considerable intellectual resource remained in the form of the staff who had been employed in Iraq's nuclear programme. That could not be eliminated, but it could be used for peaceful purposes. Lastly, as paragraph 29 made clear, it was impossible to provide absolute assurance in such matters.

47. Iraq had been subjected to 1500 inspections since 1994, probably more than any other country at any time in history. He asked whether, against that background, the General Conference again wished to condemn Iraq and whether a more positive approach would not achieve the desired result in a far shorter time. Moreover, it would be particularly unfortunate if fewer votes were cast in favour of the draft resolution than would constitute a simple majority of the Agency's membership, as had just occurred in another case.

48. He therefore proposed either that operative paragraph 2 should be transferred to the preambular part of the draft resolution and placed after paragraph (f), substituting the word "condemns" with the word "deploring", or that the paragraph should remain in its present place but be amended to read:

> "appeals to Iraq to renew immediately its co-operation suspended on 5 August 1998 with the IAEA in conformity with its obligations under the relevant Security Council resolutions ..."

By refraining from hostility and further humiliation of Iraq, the text would promote peace between Iraq and Kuwait and in the Middle East in general. It was also important to bear in mind that the United Nations Secretary-General was currently working on a solution which might ultimately result in the lifting of sanctions and end the suffering of the Iraqi people.

49. Mr. AL-GHAIS (Kuwait) said that both Morocco and Egypt were aware that the suffering of the Iraqi people was not the fault of the international community, including Kuwait, which, on the contrary, was trying to solve the problem. That situation was due entirely to the decision of the Iraqi Government. Furthermore, the problem of the restoration of peace and security in the region was not a matter which concerned only Iraq and Kuwait but the whole international community.

50. Mr. KEMPEL (Austria) said that the original text of the draft resolution had been sponsored by a large number of countries which had been unable to accept the amendments proposed either during earlier consultations or from the floor. In order to enable the Conference to move forward in its business, he requested a roll-call vote on the text as it stood.

51. The PRESIDENT, noting the request of the representative of Austria for a roll-call vote, asked the representatives of Iraq and Morocco whether they wished to request a vote on the amendments they had proposed.

52. Mr. FARIS (Iraq) thanked the representative of Morocco for his comments and the understanding he had shown for the difficulties and suffering of the Iraqi people. He fully shared his views and endorsed the proposal he had made. He also hoped that the General Conference would take full account of the points which had been raised, and the efforts which were under way in New York with a view to resolving the current problems.

53. Mr. BENMOUSSA (Morocco) said that the situation was a complex one and relations between Iraq and the Security Council were difficult, but the General Conference was not the proper place to discuss such matters. Throughout his diplomatic career he had never requested a vote on an issue because he had always sought to reach decisions by consensus. The level of difference between the two positions was small and an attempt should be made to resolve it through further consultations. He therefore did not wish to request a vote on the amendment he had put forward.

54. He appealed to the Conference to take a sensible, constructive and co-operative approach with a view to encouraging a resumption of co-operation between Iraq and UNSCOM. If the matter was put to the vote, there would be many explanations of votes following the decision, which would take up a lot of time; and the message the Conference would be giving to the world would be less than clear.

55. Mr. RYZHOV (Russian Federation) said that, although his country could not endorse the actions which had led to the disagreement between Iraq and the Agency's inspectors, it did not feel that the draft resolution which had been submitted would help restore normal relations. Rather than further exacerbating the antagonism between Iraq and

the Agency, the Conference should be trying to persuade Iraq that the Agency should be allowed to carry out its duties. He appealed to the sponsors of the draft resolution to look at the matter from a more positive standpoint. The proposal which had been put forward by the representative of Morocco was well founded and merited careful consideration. If the Conference were able to reach a consensus on it, it would mark a significant step forward.

56. Mr. REGUIEG (Algeria) said that he also felt that every possibility of reaching a consensus should be explored. The principal objective was to restore co-operation between Iraq and the Agency. Instead of condemning Iraq, the Conference should urge it to resume its co-operation. The amendment proposed by the representative of Morocco could be most useful in reaching a consensus on the issue. He also associated himself with comments which had been made by the representative of the Russian Federation.

57. The PRESIDENT asked the sponsors of the draft resolution whether they were prepared to engage in further consultations, as had been suggested by the representative of Morocco.

58. Mr. KEMPEL (Austria) said that consultations had been held earlier and the sponsors had not been able to accept the language which had been proposed at that point. They were also not able to support the amendments which had been proposed during the current meeting. He therefore did not feel that further consultations would be useful and would prefer to proceed to a vote on the draft resolution.

59. Mr. JOSEPH (Australia) said that, if the Conference was not voting on the proposed amendments to the resolution, it might not be necessary to vote on the resolution itself. He suggested that the draft resolution should be adopted by acclamation.

60. Mr. BENMOUSSA (Morocco) said that, for a proposal to be adopted by acclamation, there had to be a consensus. He therefore could not support the suggestion of the representative of Australia. His delegation had no argument with the main thrust of the draft resolution, but it did disagree with the wording of one paragraph which made the text vindictive and unhelpful. If the international community wished to condemn Iraq, Morocco would not associate itself with that action. He was also shocked that the offer of consultations had been rejected. If the European Union insisted upon its implacable approach, his country would refuse to take part in the vote.

61. Mr. FARIS (Iraq) said that he continued to feel that the General Conference should adopt a constructive approach to the problem and should not push Iraq into a corner which would make it even more difficult for it to co-operate with international organizations in the future. His country had hoped to be able to react positively to the new initiative of the Secretary-General of the United Nations.

62. Adoption of the resolution by acclamation was clearly not feasible, and he associated himself with the comments which had been made by the representative of Morocco.

63. The PRESIDENT asked the General Conference whether it was prepared to approve the draft resolution contained in document GC(42)/29 without a vote.

64. Mr. RYZHOV (Russian Federation) said that his country could not agree to that mode of procedure

65. The PRESIDENT then invited the General Conference to proceed to a roll-call vote on the draft resolution contained in document GC(42)/29, as requested by the representative of Austria.

66. Estonia, having been drawn by lot by the President, was called upon to vote first.

67. The result of the vote was as follows:

In favour:[1] Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Holy See, Hungary, Israel, Italy, Japan, Republic of Korea, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Algeria, Bangladesh, Belarus, Burkina Faso, China, Cuba, Ghana, India, Indonesia, Islamic Republic of Iran, Jordan, Kenya, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Pakistan, Russian Federation, South Africa, Sri Lanka, Sudan, Tunisia, Viet Nam, Zimbabwe.

68. The draft resolution was adopted by 57 votes to zero, with 25 abstentions.

69. Mr. FARIS (Iraq) said that his delegation found the adoption of the draft resolution regrettable. As a technical organization, the Agency should not allow itself to become a political forum where decisions were taken which in no way furthered its relations with his country. The resolution had no real solution to offer to the problems between Iraq and the Agency, and would not serve to promote transparency in his country's relations with the organization.

70. In conclusion, he thanked all those countries which had abstained or had absented themselves for the purposes of the vote.

The meeting rose at 1.25 p.m.

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[1] Qatar later advised the Secretariat that, had it been present, it would have voted in favour.